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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.395 OF 2007
IN
SUIT NO.322 OF 1992

Jagdish Wamanrao Rane	Plaintiff
versus	
Jaywant Mahadeo Satam	Defendant
and	
Smt.Sulochana Jaywant Satam & ors.	Proposed Defendants

Mr.R.P.Lote for plaintiff.
Mr.N.M.Gunjalkar a/w Ms.Bangera for defendants.

CORAM : A.M.KHANWILKAR, J.

DATE : 06th August 2007

PC :

1. Although reply has been filed in the registry, however, there is nothing on record to indicate that copy of the said reply has been served on the plaintiffs. The grievance of the plaintiff of non-service of reply affidavit therefore will have to be accepted. In the circumstances, the said reply cannot be taken into account for hearing of the present Chamber Summons.

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2. In the interest of justice, having regard to the assertions in the affidavit in support of the Chamber Summons, the Chamber Summons is made absolute in terms of prayer clauses (a) to (c) on condition that the plaintiff shall pay costs quantified at Rs.3,000/- (Rs.Three thousand only) to be paid to the defendant within two weeks from today. Payment of costs is condition precedent for the indulgence shown to the plaintiff. Amendment to be carried out within two weeks.

(A.M.KHANWILKAR, J.)